

**UNITED STATES BANKRUPTCY COURT  
District of New Jersey**

IN RE: **Robert E. Buffington  
Joann Buffington**

Debtor(s)

Case No.: 16-33655

Judge: \_\_\_\_\_

Chapter: 13

**CHAPTER 13 PLAN AND MOTIONS**

☐ Original

☐ Motions Included

☒ Modified/Notice Required

☐ Modified/No Notice Required

☒ Discharge Sought

☐ No Discharge Sought

Date: 1-26-17

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE.

**YOUR RIGHTS WILL BE AFFECTED.**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

- a. The Debtor shall pay 200.00 Monthly to the Chapter 13 Trustee, starting on \_\_\_\_ for approximately 60 months.
- b. The Debtor shall make plan payments to the Trustee from the following sources:
- ☒ Future Earnings
  - ☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

- ☐ Refinance of real property

Description:

Proposed date for completion: \_\_\_\_\_

- ☐ Loan modification with respect to mortgage encumbering property

Description:

Proposed date for completion: \_\_\_\_\_

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection**

a. Adequate protection payments will be made in the amount of \$\_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$\_\_\_\_\_ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Law Office of Robert Braverman, LLC	Wages, salaries, and commissions	1,650.00

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
-NONE-					

**b. Modification**

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES  
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
-NONE-							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Harley Davidson Credit Corp	2014 Harley Davidson ELHR Rd King	10,000.00	7,518.04
MMCA	2015 Mitsubishi Lancer	20,000.00	9,681.26

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:

Creditor

Ally Bank Payment Processing Center

**e. Secured Claims to be paid in full through the Plan**

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

**Part 5: Unsecured Claims**

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

\_\_\_\_\_ Not less than \$\_\_\_\_\_ to be distributed *pro rata*

\_\_\_\_\_ Not less than \_\_\_\_\_ percent

  x   *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

## Part 7: Motions

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.**

### a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

### b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
-NONE-		

### c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

## Part 8: Other Plan Provisions

### a. Vesting of Property of the Estate

- ☒ Upon Confirmation
- ☐ Upon Discharge

### b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

### c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims

- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

**d. Post-petition claims**

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9 : Modification**

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: \_\_\_\_\_

Explain below **why** the Plan is being modified. \_\_\_\_\_

Explain below **how** the Plan is being modified \_\_\_\_\_

Are Schedules I and J being filed simultaneously with this modified Plan? ☐ Yes ☒ No

**Part 10: Sign Here**

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date

1/26/17

/s/ Robert N. Braverman, Esquire

Robert N. Braverman, Esquire

Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date:

1/26/2017

/s/ Robert E. Buffington

Robert E. Buffington

Debtor

Date:

1-26-2017

/s/ Joann Buffington

Joann Buffington

Joint Debtor

**Certificate of Notice Page 6 of 7**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Robert E. Buffington  
 Joann Buffington  
 Debtors

Case No. 16-33655-ABA  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 25

Date Rcvd: Feb 09, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 11, 2017.

db/jdb +Robert E. Buffington, Joann Buffington, 1 A Holly Cove, Mount Laurel, NJ 08054-2823  
 516545033 +Boscovs, P.O. Box 182620, Columbus, OH 43218-2620  
 516545048 ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034  
 (address filed with court: Zales Credit Plan, Processing Center - Bankruptcy Dept,  
 Des Moines, IA 50364-0001)  
 516545034 Capital One, P.O. Box 30285, Salt Lake City, UT 84130-0285  
 516545035 +CitiCard, P.O. Box 790441, Saint Louis, MO 63179-0441  
 516545036 Comenity Bank, Bankruptcy Department, P.O. Box 182125, Columbus, OH 43218-2125  
 516545037 +Comenity Bank - Bedford Fair, PO Box 659465, San Antonio, TX 78265-9465  
 516545038 +First Premier Bank, 601 S. Minnesota Avenue, Sioux Falls, SD 57104-4868  
 516545039 +Harley Davidson Credit Corp, 3700 W. Juneau Avenue, Milwaukee, WI 53208-2865  
 516580451 +Harley-Davidson Credit Corp., PO Box 9013, Addison, Texas 75001-9013  
 516545041 +Law Office of Robert Braverman, LLC, 1060 N. Kings Hwy., Suite 333,  
 Cherry Hill, NJ 08034-1910  
 516545042 +Mariner Finance, 814 White Horse Pike, Suite 1, Oaklyn, NJ 08107-1266  
 516545043 Mitsubishi Motors Credit of America, Attn: Bkrptcy Dept, PO Box 4401,  
 Bridgeton, MO 63044-0401  
 516545044 Synchrony Bank - Bankruptcy (ASHLEY), Attn: Bankruptcy Department, P.O. Box 965060,  
 Orlando, FL 32896-5060  
 516545046 Synchrony Bank - Bankruptcy (LOWES), Attn: Bankruptcy Department, P.O. Box 965060,  
 Orlando, FL 32896-5060

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 smg E-mail/Text: usanj.njbankr@usdoj.gov Feb 09 2017 21:59:19 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Feb 09 2017 21:59:15 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 516545032 E-mail/Text: ally@ebn.phinsolutions.com Feb 09 2017 21:58:41  
 Ally Bank Payment Processing Center, P.O. Box 78234, Phoenix, AZ 85062-8234  
 516599051 E-mail/Text: ally@ebn.phinsolutions.com Feb 09 2017 21:58:41 Ally Capital, PO Box 130424,  
 Roseville MN 55113-0004  
 516545040 E-mail/Text: bnckohlsnotices@becket-lee.com Feb 09 2017 21:58:47 Kohl's Payment Center,  
 P.O. Box 2983, Milwaukee, WI 53201-2983  
 516584952 +E-mail/Text: BKRMailOps@weltman.com Feb 09 2017 21:59:20 MMCA, Its Successor and Assigns,  
 c/o Weltman, Weinberg & Reis Co LPA, 323 W. Lakeside Ave Suite 200,  
 Cleveland OH 44113-1009  
 516613933 E-mail/Text: bnc-quantum@quantum3group.com Feb 09 2017 21:59:07  
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788  
 516632434 E-mail/Text: bnc-quantum@quantum3group.com Feb 09 2017 21:59:07  
 Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788,  
 Kirkland, WA 98083-0788  
 516545045 E-mail/PDF: gecsedirecoverycorp.com Feb 09 2017 21:51:44  
 Synchrony Bank - Bankruptcy (JC Penney), Attn: Bankruptcy Department, P.O. Box 965060,  
 Orlando, FL 32896-5060  
 516545047 E-mail/PDF: gecsedirecoverycorp.com Feb 09 2017 21:51:29  
 Synchrony Bank - Bankruptcy (WALMART), Attn: Bankruptcy Department, P.O. Box 965060,  
 Orlando, FL 32896-5060

TOTAL: 10

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Feb 11, 2017

Signature: /s/Joseph Speetjens

District/off: 0312-1

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 25

Date Rcvd: Feb 09, 2017

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### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 3, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Harley-Davidson Credit Corp dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Emmanuel J. Argentieri on behalf of Creditor MMCA, its successors and/or assigns  
bk@rgalegal.com  
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com  
Robert Braverman on behalf of Joint Debtor Joann Buffington robert@bravermanlaw.com  
Robert Braverman on behalf of Debtor Robert E. Buffington robert@bravermanlaw.com  
U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 6